



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/608,188	06/30/2000	Lewis Dean Dodrill	95-419	9728
23164	7590	04/06/2004	EXAMINER	
LEON R TURKEVICH 2000 M STREET NW 7TH FLOOR WASHINGTON, DC 200363307			SCHLAIFER, JONATHAN D	
			ART UNIT	PAPER NUMBER
			2178	
DATE MAILED: 04/06/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/608,188	DODRILL ET AL.	
	Examiner	Art Unit	
	Jonathan D. Schlaifer	2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 2/18/04.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-42 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-42 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____

4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____

5) Notice of Informal Patent Application (PTO-152)
 6) Other: _____

DETAILED ACTION

1. This action is responsive to communications: Amendment filed on 2/18/2004.
2. The objections to Claim 5 have been withdrawn as necessitated by amendment.
3. Claims 1-38 are pending in the case. 1, 13, 20 and 32 are independent claims. Claims 5, 11, 14, 24, and 33 have been amended.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1 and 13 and 20 and 32 remain rejected under 35 U.S.C. 103(a) as being unpatentable under Ladd et al. (USPN 6,269,336 B1—filing date 10/2/1998), hereinafter Ladd, further in view of St-Pierre et al. (USPN 5,901,352—filing date 2/20/1997), hereinafter St-Pierre, further in view of Schloss (USPN 5,706,507—filing date 7/5/1995), further in view of Saylor et al. (USPN 6,501,831 B1—filing date 1/11/2000, priority from 8/24/1999 & 8/26/1999), hereinafter Saylor, further in view of Meyerzon et al. (USPN 6,199,081 B1—filing date 6/30/1998).**
5. **Regarding independent claim 1, Ladd is clearly directed to a method in an application server for executing an application to deliver voice portal services (In Figure 3, item 242 is an application server that is part of the invention, and the invention is a voice browser (see title)). Ladd further discloses receiving a HTTP request (col. 3, lines 15-20) for execution of a prescribed voice portal (col. 2, line 48-49) service application for a**

Art Unit: 2178

subscriber. Ladd fails to disclose accessing attribute information for the subscriber from an Internet Protocol (IP) based database server configured for storing subscriber attributes, sending a request to a content server for media content based on the HTTP request and the attribute information, and generating an HTML page for execution of the prescribed voice portal service application having XML tags configured for controlling delivery of the media content in an audible format, based on the HTTP request.

However, St-Pierre discloses accessing attribute information for the subscriber from an Internet Protocol (IP) based database server configured for storing subscriber attributes (col. 7, lines 24-25 reveal that the invention treats IP transactions and col. 7, lines 66-67 and col. 8, lines 1-15 deal with an database of subscriber attributes) in order to regulate how individual subscribers receive services, so it would have been obvious to one of ordinary skill in the art at the time of the invention to obtain subscriber attributes in order to regulate how individual subscribers receive services. Also, Schloss discusses sending a request to a content server for media content based on the HTTP request (col. 4, lines 30-56) because this is a typical way to obtain content for display on the Web.

Furthermore, St-Pierre's attributes are relevant because it would help regulate which types of content are relevant. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Schloss's content request with Ladd and St-Pierre because this is a typical way to obtain content for display on the Web and because it would help regulate which types of content are relevant. Also, Saylor, in col. 2, lines 4-16 describes the use of XML tags configured for controlling delivery of the media content in an audible format in order to contain and structure voice content and Meyerzon

in col. 3, lines 1-16 contains XML tags in an HTML page in order to contain metadata, and it was notoriously well known in the art at the time of the invention that HTML pages are generated in response to HTTP requests to generate Web content. It would have been obvious to one of ordinary skill in the art at the time of the invention to generate an HTML page for execution of the prescribed voice portal service application having XML tags configured for controlling delivery of the media content in an audible format, based on the HTTP request by combining Saylor and Meyerzon with Ladd, St-Pierre, and Schloss in order to contain and structure voice content, contain metadata, and generate Web content.

6. **Regarding independent claim 13**, it is an application server that performs the functions of the method of claim 1, and may be rejected under similar rationale.
7. **Regarding independent claim 20**, it is a computer readable medium that encodes the method of claim 1, and may be rejected under similar rationale.
8. **Regarding independent claim 32**, it is an application server that performs the functions of the method of claim 1, and may be rejected under similar rationale.
9. **Claims 2 and 21 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Ladd, further in view of St-Pierre, further in view of Schloss, further in view of Saylor, further in view of Meyerzon, further in view of Leshem et al. (USPN 5,870,559—filing date 4/11/1997), hereinafter Leshem**
10. **Regarding dependent claim 2**, Ladd, St-Pierre, Schloss, Saylor, and Meyerzon fail to disclose a method wherein the receiving step includes recovering within the HTTP request a browser configuration. However, Leshem, in col. 24, lines 66-67 and col. 25,

lines 1-25 discloses that the invention recovers an original browser configuration and that it communicates by HTTP in order to prevent improper transactions using a proxy. It would have been obvious to one of ordinary skill in the art at the time of the invention to recover the browser configuration within the HTTP request as in Leshem in the context Ladd, St-Pierre, Schloss, Saylor, and Meyerzon in order regulate the invention's use of proxy servers.

11. **Regarding dependent claim 21**, it is a computer readable medium that encodes the method of claim 2, and may be rejected under similar rationale.
12. **Claims 3-4 and 22-23 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Ladd, further in view of St-Pierre, further in view of Schloss, further in view of Saylor, further in view of Meyerzon, further in view of Leshem, further in view of Baldwin et al. (USPN 5,878,417—filing date 11/20/1996), hereinafter Baldwin.**
13. **Regarding dependent claim 3**, Ladd, St-Pierre, Schloss, Saylor, Meyerzon, and Leshem fail to disclose that the recovering step includes identifying the browser configuration as one of a computer browser configuration configured for parsing a prescribed group of media tags and presenting a prescribed group of media types, and a lightweight browser configuration configured for parsing a prescribed portion of the prescribed group of media tags. However, Baldwin discloses that the recovering step includes identifying the browser configuration as a computer browser configuration configured for parsing a prescribed group of media tags and presenting a prescribed group of media types (col. 2, lines 42-67, identifying is inherent because this is the default configuration) because this allows a browser to process ordinary web pages. It would have been obvious to one of

ordinary skill in the art at the time of the invention to include identifying the browser configuration as in Baldwin into order to allow a browser to process ordinary web pages.

14. Regarding dependent claim 4, Ladd, St-Pierre, Schloss, Saylor, Meyerzon, and Leshem fail to disclose a method wherein the generating step includes generating the HTML page by selectively supplying media tag types based on the identified browser configuration. However, Baldwin discloses the capability of generating the HTML page by selectively supplying media tag types based on the identified browser configuration. (In col. 2, lines 42-67, the browser configuration determines how tags are applied.)

15. Regarding dependent claim 22, it is a computer readable medium that encodes the method of claim 3, and may be rejected under similar rationale.

16. Regarding independent claim 23, it is a computer readable medium that encodes the method of claim 4, and may be rejected under similar rationale.

17. Claims 5 and 14 and 23 and 33 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Ladd, further in view of St-Pierre, further in view of Schloss, further in view of Saylor, further in view of Meyerzon, further in view of Ng et al. (USPN 6,243,376—filing date 11/3/1997), hereinafter Ng.

18. Regarding dependent claim 5, Ladd, St-Pierre, Schloss, Saylor, and Meyerzon fail to disclose a method wherein the accessing step includes accessing the IP-based database server according to the LDAP protocol. However, Ng discloses that LDAP provides a standard way for Internet clients or applications and servers to access directory services and locate organizations, organizational units , or individuals (col. 7, lines 44-47). It would have been obvious to one of ordinary skill in the art at the time of the invention to

Art Unit: 2178

use LDAP with Ladd, St-Pierre, Schloss, Saylor, and Meyerzon's work in order to provide a standard way for Internet clients or applications and servers to access directory services and locate organizations, organizational units , or individuals.

19. **Regarding dependent claim 14**, it is an application server that performs the functions of the method of claim 5, and may be rejected under similar rationale.
20. **Regarding dependent claim 24**, it is a computer readable medium that encodes the method of claim 5, and may be rejected under similar rationale.
21. **Regarding dependent claim 33**, it is an application server that performs the functions of the method of claim 5, and may be rejected under similar rationale.
22. **Claims 6 and 15 and 25 and 34 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Ladd, further in view of St-Pierre, further in view of Schloss, further in view of Saylor, further in view of Meyerzon, further in view of Reisman et al. (USPN 6,611,862 B2—filing date 4/20/2000, continuation of 08/641,010, filed on 4/29/1996), hereinafter Reisman.**
23. **Regarding dependent claim 6**, Ladd, St-Pierre, Schloss, Saylor, and Meyerzon fail to disclose a method wherein the step of sending a request includes using a data retrieval application programming interface to access the content server. However, Reisman discloses the use of data retrieval API's (col. 9, lines 52-65 because they handle low-level functionality while giving users high-level control. It would have been obvious to one of ordinary skill in the art at the time of the invention to use API's in conjunction with Ladd, St-Pierre, Schloss, Saylor, and Meyerzon's work because they handle low-level functionality while giving users high-level control.

Art Unit: 2178

24. **Regarding dependent claim 15**, it is an application server that performs the functions of the method of claim 6, and may be rejected under similar rationale.
25. **Regarding dependent claim 25**, it is a computer readable medium that encodes the method of claim 6, and may be rejected under similar rationale.
26. **Regarding dependent claim 34**, it is an application server that performs the functions of the method of claim 6, and may be rejected under similar rationale.
27. **Claim 7 and 16 and 26 and 35 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Ladd, further in view of St-Pierre, further in view of Schloss, further in view of Saylor, further in view of Meyerzon, further in view of Reisman, further in view of Mages et al. (USPN 5,892,825—filing date 11/25/1996), hereinafter Mages.**
28. **Regarding dependent claim 7**, Ladd, St-Pierre, Schloss, Saylor, Meyerzon and Reisman fail to disclose a method further comprising converting text based information obtained from the content server into a media file having at least one prescribed media type. However, Mages, in col. 2, lines 42-67 and col. 3, lines 1-27, details the use of MIME, a protocol wherein text-based information is converted into a prescribed media type in order to allow transmission of multimedia using text. It would have been obvious to one of ordinary skill in the art at the time of the invention to use MIME techniques after Mages in order to allow transmission of multimedia using text.
29. **Regarding dependent claim 16**, it is an application server that performs the functions of the method of claim 7, and may be rejected under similar rationale.

30. **Regarding dependent claim 26**, it is a computer readable medium that encodes the method of claim 7, and may be rejected under similar rationale.
31. **Regarding dependent claim 35**, it is an application server that performs the functions of the method of claim 7; and may be rejected under similar rationale.
32. **Claim 8 and 17 and 27 and 36 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Ladd, further in view of St-Pierre, further in view of Schloss, further in view of Saylor, further in view of Meyerzon, further in view of Reisman, further in view of Mages, further in view of Guck (USPN 5,864,870—filing date 12/18/1996).**
33. **Regarding dependent claim 8**, Ladd, St-Pierre, Schloss, Saylor, Meyerzon, Reisman, and Mages fail to disclose a method wherein the converting step includes converting the text-based information into a .wav file playable by a browser. However, Guck, in col. 8, lines 52-64, reveals that WAV is a format that MIME may encode because it is a common and standard format of audio. It would have been obvious to one of ordinary skill in the art at the time of the invention to use MIME to store WAV as in Guck in conjunction with Ladd, St-Pierre, Schloss, Saylor, Meyerzon, Reisman, and Mages because it is a common and standard form of audio.
34. **Regarding dependent claim 17**, it is an application server that performs the functions of the method of claim 8, and may be rejected under similar rationale.
35. **Regarding dependent claim 27**, it is a computer readable medium that encodes the method of claim 8, and may be rejected under similar rationale.

36. **Regarding dependent claim 36**, it is an application server that performs the functions of the method of claim 8, and may be rejected under similar rationale.
37. **Claims 9 and 28 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Ladd, further in view of St-Pierre, further in view of Schloss, further in view of Saylor, further in view of Meyerzon, further in view of Reisman, further in view of Mages, further in view of Guck, further in view of Haddock (USPN 5,742,736— filing date 4/19/1995).**
38. **Regarding dependent claim 9**, Ladd, St-Pierre, Schloss, Saylor, Meyerzon, Reisman, Mages, and Guck fail to disclose a method wherein the step of generating an HTML page includes inserting a first media tag including the .wav file and a second media tag configured for playing the .wav file. However, Haddock, in col. 5, lines 43-61, (specifically col. 5, lines 54-56) specifies how tags are to be used to include and play .wav files in order to link applications and play speech from those applications. It would have been obvious to one of ordinary skill in the art at the time of the invention to use tags as in Haddock to include and play .wav files to link applications and play speech from those applications.
39. **Regarding dependent claim 28**, it is a computer readable medium that encodes the method of claim 9, and may be rejected under similar rationale.
40. **Claims 10 and 18 and 29 and 37 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Ladd, further in view of St-Pierre, further in view of Schloss, further in view of Saylor, further in view of Meyerzon, further in view of Reisman,**

further in view of Mages, further in view of VoiceXML Forum (“Voice Extensible Markup Language: VoiceXML”, Version 0.9, 8/17/1999).

41. **Regarding dependent claim 10,** Ladd, St-Pierre, Schloss, Saylor, Meyerzon, Reisman, and Mages fail to disclose a method wherein the converting step includes executing a text to speech resource for converting the text based information into an audio file. However, VoiceXML Forum, on page 8, Section 2.5, discloses the use of a text-to-speech converter because it provides audio output. It would have been obvious to one of ordinary skill in the art at the time of the invention to use text-to-speech in the manner of VoiceXML Forum because it provides audio output.
42. **Regarding dependent claim 18,** it is an application server that performs the functions of the method of claim 10, and may be rejected under similar rationale.
43. **Regarding dependent claim 29,** it is a computer readable medium that encodes the method of claim 10, and may be rejected under similar rationale.
44. **Regarding dependent claim 37,** it is an application server that performs the functions of the method of claim 10, and may be rejected under similar rationale.
45. **Claims 11 and 30 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Ladd, further in view of St-Pierre, further in view of Schloss, further in view of Saylor, further in view of Meyerzon, further in view of McCauley et al. (USPN 6,626,958 B1—filing date 11/18/1998), hereinafter McCauley.**
46. **Regarding dependent claim 11,** Ladd, St-Pierre, Schloss, Saylor, and Meyerzon fail to disclose a method further comprising generating second HTML page in response to an input indicating particular information of interest received from the subscriber, having

instruction to access the particular information. However, McCauley details in the Abstract how to produce an informational page that is particularly tailored to a client in order to serve that client's information needs. It would have been obvious to one of ordinary skill in the art at the time of the invention to generate an informational page in the manner of McCauley in the context of Ladd, St-Pierre, Schloss, Saylor, and Meyerzon's inventions in order to serve a client's informational needs.

47. **Regarding dependent claim 30**, it is a computer readable medium that encodes the method of claim 11, and may be rejected under similar rationale
48. **Claim 12 and 19 and 31 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ladd, further in view of St-Pierre, further in view of Schloss, further in view of Saylor, further in view of Meyerzon, further in view of Kikinis (USPN 6,055,566—filing date 1/12/1998).**
49. **Regarding dependent claim 12**, Ladd, St-Pierre, Schloss, Saylor, and Meyerzon fail to disclose a method wherein the step of accessing attribute information includes accessing subscriber preferences defining information which the subscriber wishes to receive. However, Kikinis details in col. 2, lines 28-29 how telecommunications information is delivered to subscribers according to preferences in order to adapt the information to the subscribers' needs. It would have been obvious to one of ordinary skill in the art at the time of the invention to use subscriber preferences in the manner of Kikinis in the context of the inventions of Ladd, St-Pierre, Schloss, Saylor, and Meyerzon in order to adapt the information to the subscribers' needs.

Art Unit: 2178

50. **Regarding dependent claim 19**, it is an application server that performs the functions of the method of claim 12, and may be rejected under similar rationale.

51. **Regarding dependent claim 31**, it is a computer readable medium that encodes the method of claim 12, and may be rejected under similar rationale.

52. **Regarding dependent claim 38**, it is an application server that performs the functions of the method of claim 12, and may be rejected under similar rationale.

53. **Claims 39-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ladd, further in view of St-Pierre, further in view of Schloss, further in view of Saylor, further in view of Meyerzon, further in view of Brandt et al. (USPN 5,892,905— filing date 12/23/1996), hereinafter Brandt.**

54. **Regarding dependent claim 39**, Ladd, St-Pierre, Schloss, Saylor, and Meyerzon fail to disclose that the generating step includes generating the HTML page by an application instance executed by the server, the method further comprising, terminating the application instance based on the HTML page having been output to a browser. However, Brandt, in col. 21, lines 25-55, discloses a method that deploys from a server and terminates once an HTML page has been output to a browser in order to facilitate transmission of web pages in a memory-efficient manner. It would have been obvious to one of ordinary skill in the art at the time of the invention to use Brandt's method of HTML web page transmission with the inventions of Ladd, St-Pierre, Schloss, Saylor, and Meyerzon in order to facilitate transmission of web pages in a memory-efficient manner.

55. **Regarding dependent claim 40**, it is an application server that performs the functions of the method of claim 39, and may be rejected under similar rationale.
56. **Regarding dependent claim 41**, it is a computer readable medium that encodes the method of claim 39, and may be rejected under similar rationale.
57. **Regarding dependent claim 42**, it is an application server that performs the functions of the method of claim 39, and may be rejected under similar rationale.

Response to Amendment

58. Applicant's arguments filed 2/18/2004 have been fully considered but they are not persuasive.
59. Applicant contends that Ladd does not disclose that HTTP requests be received in the application server. However, it is clear that Ladd's invention contains an application server, and it is connected to a wide-area network such as the Internet. It is common practice to use the HTTP protocol over the Internet, and hence it would have been expected that some or all of the requests that Ladd's application server received would be HTTP requests. Even though the output signals that the VRU server may be a transformed form of HTTP requests, they nonetheless represent HTTP requests.
60. Applicant emphasizes that the Examiner employs four secondary references in order to supply the elements lacking in Ladd. The Examiner respectfully notes that he believes the grounds for adding each reference to be sound, leading to a valid rejection.
61. In response to applicant's argument that the examiner has combined an excessive number of references, reliance on a large number of references in a rejection does not, without

more, weigh against the obviousness of the claimed invention. See *In re Gorman*, 933 F.2d 982, 18 USPQ2d 1885 (Fed. Cir. 1991).

62. In response to applicant's argument that Ladd is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Applicant contends that Ladd is not reasonably pertinent to the problem with which the inventors were involved. The Examiner respectfully disagrees; both the current invention and Ladd deal with voice access technologies, and are therefore essentially similar.
63. Applicant contends that St. Pierre differs from the claimed invention in that it suggests a centralized database rather than an IP-based database. However, St. Pierre mentions the possibility of using IP for data transmission in col. 4, lines 60-61.
64. Applicant contends that Saylor fails to generate a HTML page for execution of the prescribed voice portal service application having XML tags configured for controlling delivery of the media content, based on the HTTP request. However, since Saylor's invention produces web output, it must produce HTML pages, and the invention produces XML tags that regulate media content.
65. Applicant contents that Meyerzon does not suggest the simultaneous use of different tags, and does not suggest generating controlled delivery of the media content in an audible format. Meyerzon suggests the simultaneous adaptation of multiple plug-ins, however (see Abstract, lines 1-25), which would provide for the handling of multi-type rich media.

66. Applicant contends that the combination of sources used to reject claims 1, 13, 20, and 32 fail to provide the feature of controlling delivery of the media content in an audible format, based on the HTTP request. However, this would follow from the regulation of voice output provided by Saylor.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

USPN 5,794,259 (filing date 7/25/1996)—Kikinis

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan D. Schlaifer whose telephone number is 703-305-9777. The examiner can normally be reached on 8:30-5:00, M-F.

Art Unit: 2178

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on 703-308-5186. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JS



STEPHEN S. HONG
PRIMARY EXAMINER